THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.27875 OF 2005

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Dated: 29-12-2005

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Between

Veeramallu Panduranga Vitthal,

S/o. Chinna Mahalakshmanudu,

Occ: Agriculture, R/o. Vandurru

Village, Mudhinepalli Mandal,

Krishna District.

...PETITIONER

AND

Government of A.P. Endowments Department

Rep. by Assistant Commissioner of Endowments,

Lane opposite Old Bus Stand, Vijayawada and

Others.

...RESPONDENTS

ORDER:

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Petitioner seeks a Writ of Mandamus to declare the action of the second respondent temple in issuing the notice dated 20.12.2005 and proposing to conduct the auction of lease hold rights for Ac.11.11 cents in R.S.No.18 situate in Vanuduru Village, Mudinepalli Mandal, Krishna District as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner was the lessee in respect of the above-mentioned land from 2004 and he has been cultivating the said land by paying the stipulated maktha regularly. While so, the second respondent issued a notice dated 13.05.2005 calling upon the petitioner to pay the maktha of 55 bags and hand over the possession of the land to the temple.

The petitioner approached the first respondent and submitted a representation dated 21.05.2005 requesting him to extend the lease period by two more years. The learned counsel further submits that when the second respondent issued a notice dated 04.07.2005 for auction of the lease hold rights of the said lands, the petitioner filed WP.No.15076 of 2005, where in this Court directed the respondents not to dispossess the petitioner till 27.09.2005 and it was also observed that it is open for the respondents to take appropriate action after the expiry of the lease period of the petitioner. The learned counsel further submits that the second respondent has issued the open auction notice dated 20.12.2005 for leasehold rights of the said lands in question for a period of three years, which is impugned in this writ petition.

This Court is of the opinion that all leases in respect of the endowed/temple stands cancelled by virtue of Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987. Therefore, the petitioner has no vested or legal right to question the auction notice.

The writ petition is accordingly dismissed. However, if the petitioner desires to participate in the auction, he can as well participate in the open auction and bid in respect of the cultivating rights of the lands in question.

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V. ESWARAIAH, J

December 29, 2005

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